RCE(3738

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of      :      RONALD A. SCHACHAR

Serial No.                :      09/940,722

Filed                     :      August 27, 2001

For                       :      SCLERAL PROSTHESIS FOR TREATMENT OF PRESBYOPIA
                                 AND OTHER EYE DISORDERS

Group No.                 :      3738

Examiner                  :      David H. Willse

**MAIL STOP RCE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

### CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1.      Amendment Submitted Under 37 C.F.R. §1.114; and
2.      Postcard receipt.

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 3, 2004.
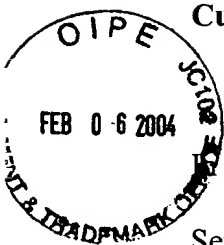
Date: _Feb. 3, 2004_                    _Kathy Hamilton_
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**MAIL STOP RCE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

### AMENDMENT SUBMITTED UNDER 37 C.F.R. § 1.114

This Amendment Submitted Under 37 C.F.R. § 1.114 is responsive to an Office Action dated January 6, 2004 and replaces a Non-Compliant Amendment dated December 22, 2003. A one (1) month period of time to respond to the Office Action expires on February 6, 2004.

The Applicant withdraws the Amendment Under 37 C.F.R. § 1.116 that was filed on September 17, 2003 and nullifies the Amendment as if the Amendment had not been submitted.

Please enter the Applicant's Request for Continued Examination (RCE) and amend the patent application as indicated below.